

# **MONTANA PUBLIC DEFENDER COMMISSION**

Butte Central Office  
44 W. Park, Butte MT 59701

June 20, 2016

## **MINUTES**

*(Approved at the August 15, 2016 Meeting)*

### **Commissioners Present**

Richard E. "Fritz" Gillespie, (Chair), Helena; Ann Sherwood, Pablo; Bonnie Olson, Marion; Brian Gallik, Bozeman; Mark Parker, Billings; Larry Mansch, Missoula; Mike Metzger, Billings; Terry Jessee, Billings

### **Commissioners Absent**

Margaret Novak, Chester; Roy Brown, Billings; Maylinn Smith, Missoula

### **Staff Members Present**

Bill Hooks, Chief Public Defender; Chad Wright, Chief Appellate Defender; Kristina Neal, Conflict Coordinator; Wendy Johnson, Contract Manager; Carleen Green, Accounting Supervisor; Traci Brasier, Bekki Satterlee, Malia Soyland, Tayler Templin, and Niki Murphy, Accounting Department; Mori Woods, Investigator Supervisor; Marsha Parr, Case Management Support; Chris Thomas, Eligibility Specialist; Lynn MacMillan, Contract Assistant; Cathy Doyle, Administrative Assistant; Kaydee Snipes, Region 6 Deputy Public Defender (Havre)

### **State Human Resource Officer**

Lisa Coligan

### **Interested Parties**

Malissa Williams, Office of Budget and Program Planning (OBPP)

#### **1. Call to Order**

Chairman Fritz Gillespie called the meeting of the Public Defender Commission to order at 8:25 a.m. He learned on Friday morning that Ron Muffick, a candidate for the Chief Administrator position, was withdrawing from consideration. Mr. Muffick elected to withdraw because his current position is secure, and the Chief Administrator position may be subject to legislative action.

#### **2. Introductions**

Chairman Gillespie introduced Scott Cruse, candidate for the Chief Administrator position, for the benefit of anyone who did not have a chance to meet him at the early morning meet and greet.

#### **3. Approve Minutes of May 17, 2015 Meeting (\*Action Item)**

Commissioner Parker moved to adopt the minutes as drafted. Commissioner Jessee seconded and the motion carried.

#### **4. Commission Business**

##### **A. *Changes to Application Form***

At the May 17, 2016 meeting, Eligibility Specialist Chris Thomas proposed changing the client application form to add a check box regarding military status and to modify the presumptive eligibility section by removing “SSDI” from the SSI/SSDI check box. People receiving SSDI fall under the income guidelines most of the time, but if they don’t the eligibility determination needs to be based on actual income and assets by completing the full application.

During the discussion, there was interest in gathering additional data points including demographic information, especially regarding Native Americans and their self-identified tribal affiliation. Chief Public Defender Bill Hooks said that expanding the application form to include additional information that is not related to eligibility determination would create confusion and result in a form that no longer fits on a single page. He also questioned the wisdom of collecting data before identifying the purpose behind it, putting additional stress on overworked support staff. He asked the Commission to refer the proposed form changes, including additional data needs, to a committee.

Commissioner Sherwood said that tracking Native American status is particularly important because of the disparity in the prison population. Chief Hooks acknowledged that identifying ethnicity could be helpful in addressing cultural needs and identifying available resources; he suggested that a separate tool used during the intake process might be more appropriate than adding this information to the application form. Different regions will have different demographics and different needs.

Chairman Gillespie referred this item to the Holistic Defense Committee. Commissioners Sherwood and Jessee will develop a tool to be used during the intake interview that would include ethnicity, mental health and veteran status, and other data points the Commission chooses to collect. The intake tool will be used in a pilot project in two or three regions, to be identified in consultation with Chief Hooks. The pilot project will identify the needs of the individual person and the particular community, as well as collect data. The committee will be ready to present their recommendations by early September.

##### **B. *Proposals for Use of Remaining Discretionary Funds***

Chairman Gillespie wants to take action on the use of the unobligated balance of \$209,300 at a September meeting. Any decisions must be approved by the Office of Budget and Program Planning (OBPP), and the funds will have to be spent by July 1, 2017. He noted that the purpose of the funds is to relieve pressure within the system.

Commissioner Olson wondered if the money should be applied to the potential \$3.5 million shortfall. She wants to make sure that isn’t the expectation before spending more time discussing funding various proposals. Chairman Gillespie responded that applying it to the shortfall would certainly be one item among the proposals. He asked Chief Hooks and Conflict Coordinator Kristina Neal if there are any new pressures on their programs to address. Chief Hooks replied that the existing ones don’t go away, but the three program managers want to collaborate on how to spend the funds to systemically address the needs of the entire agency. A Budget Committee meeting will be scheduled to discuss proposals and make recommendations to the full Commission in September.

After consulting with her office, Malissa Williams from OBPP said that all options would be considered, but any new initiative would have to clearly show that it saves more money than it costs. Commissioner Sherwood asked if would have to save more money for OPD, or for the state as a

whole, such as reducing incarceration. Ms. Williams said that it is specifically to reduce OPD caseload pressures.

*C. Recap Program Managers' Roles and Responsibilities*

Chairman Gillespie discussed the document he drafted showing the four co-equal positions, and how each manages their own program while coordinating and collaborating with the others. The new Chief Administrator will be the face and voice of the agency, going before the legislature and having responsibility for administrative and managerial compliance within the agency.

Chairman Gillespie would like to work with this document until the Chief Administrator has a chance to be integrated into the agency, and then will ask the Commission to make any necessary changes and formally adopt the roles and responsibilities before the legislative session begins.

Since Central Services has moved out of Program 1 and is now part of the new Program 4, Chairman Gillespie named Peter Ohman as the interim program manager. He will approve payroll and other expenses until the new Chief Administrator is on board.

Chairman Gillespie was asked how he envisions his work changing on behalf of the agency when the Chief Administrator is hired. He plans to work closely with the Chief Administrator and to be the institutional memory for the agency. He will continue to be available to all program managers as a sounding board. He will also be available to mediate opposing points of view among the program managers. Chairman Gillespie is not in favor of forming an Executive Committee, but would refer any staff issues that he cannot resolve to the appropriate committee, e.g., Budget or Personnel, to develop a recommendation for a Commission decision.

**5. Public Comment on Commission Business**

No public comment was offered.

**6. Chief Administrator Interview: Scott Cruse**

Commissioner Jessee led the interview as chair of the Personnel Committee. He said that following the set questions, Commission members may ask follow up questions. The public will not be allowed to ask questions, but may make public comment at the conclusion of the interview. State Human Resource Officer Lisa Coligan documented the interview as part of the recruitment and selection process.

**7. Public Comment**

Written comment was received prior to the meeting and is attached. No additional public comment was offered.

**8. Chief Administrator Interview: Ron Muffick**

Mr. Muffick withdrew from consideration and was not present.

**9. Public Comment-N/A**

**10. Executive Session (Closed)**

Chairman Gillespie closed the meeting, stating "The following portion of the meeting relates to matters of individual privacy. As Commission Chairman, I have determined that the demands of individual privacy clearly exceed the merits of public disclosure. As such, this portion of the meeting will be closed."

**11. Announce Selection of Chief Administrator**

Chairman Gillespie reopened the meeting at 1:45 p.m. Personnel Committee Chair Terry Jessee offered the position to Mr. Cruse and he accepted to applause. Chairman Gillespie reported that during the closed session, the Commission voted unanimously to extend the offer to Mr. Cruse.

Mr. Cruse said that he is honored to be invited to join this team and will do his best to represent the organization. He believes in collaboration; no one has the answer to every problem, but collectively we can do more.

**12. Set Future Meeting Dates**

The Commission will meet by phone in mid-August to finalize the goals and objectives to be submitted to OBPP as part of the Executive Planning Process. The next regular meeting will be scheduled for mid-September.

Strategic Planning Committee Chair Olson reported that she presented a draft strategic plan at the May 16 Task Force meeting. She would like to have another committee meeting to continue working on performance measurements. Mr. Cruse has experience with developing strategic plans and will be willing to help before he officially begins employment.

**13. Adjourn**

Commissioner Parker moved to adjourn. Commissioner Gallik seconded and the meeting adjourned at 1:55 p.m.

**ATTACHMENT A**

**WRITTEN PUBLIC COMMENT**

June 6, 2016

I would like to take this moment to comment on my choice for the position of Chief Administrator.

My choice for this position is Scott Cruse. His experience as a Special Agent-In-Charge with the FBI has provided him with the opportunity to position himself as the best candidate. It uniquely qualifies him as a person who can navigate the myriad of functions required to successfully manage in this position. His extensive experience in managing large and complex government organizations will also help him with the Legislative issues. Also I believe that he has always intended to come back to Montana otherwise he would have sold his house in Helena years ago.

Thank you,  
Brian Hulme  
Great Falls Office  
Region 3